293.

No. L.S. 3976—L.W. 275-50-1, Bangalore, dated the 13th February 1951.

The draft of the following rules under the Minimum Wages Act (Act No. XXIX of 1949) which it is proposed to make in exercise of the powers conferred by Section 28 of the said Act is hereby published for information of all persons likely to be affected thereby as required by the said Section.

Objections or suggestions if any, to the Draft Rules, may be forwarded to the Secretary to Government, Law Department, Old Public Offices, Bangalore, through the Commissioner of Labour in Mysore for consideration, so as to reach him before 13th March 1951.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

REVISED DRAFT RULES UNDER THE MYSORE MINIMUM WAGES ACT, 1949.

1. *Short title and extent.*—(1) These Rules may be called the Mysore Minimum Wages Rules, 1951.

(2) These Rules shall come into force from the 1st day of.....1951.

2. *Interpretation.*—In these rules, unless there is anything repugnant in the subject or context—

(*a*) "Act" means the Mysore Minimum Wages Act, 1949,

(*b*) 'Adolescent' means a person who has completed his fifteenth year of age but has not completed his seventeenth year,

(*c*) "Adult" means a person who has completed his seventeenth year,

(*d*) "Advisory Committee" means an Advisory Committee appointed under section 7 of the Act and includes an Advisory Sub-Committee appointed under that section,

(*e*) "Authority" means the authority appointed under sub-section (1) of section 20,

(*f*) "Board" means the Advisory Board appointed under Section 8,

(*g*) "Chairman" means the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section 9,

(*h*) "Child" means a person who has not completed his fifteenth year of age,

(*i*) "Committee" means a Committee appointed under clause (*a*) of sub-section (1) of section 6, and includes a sub-committee appointed under that section.

(*j*) "Form" means a form appended to these rules,

(*k*) "Inspector" means a person appointed as Inspector under sub-section (1) of section 19,

(*l*) "Section" means a section of the Act.

(*m*) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

CHAPTER II.

MEMBERS AND STAFF, AND MEETINGS OF THE BOARD, COMMITTEE AND ADVISORY COMMITTEE.

3. *Term of office of the members of the Committee and the Advisory Committee.*—The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the Government is necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of the Committee or an Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

4. *Term of office of members of the Board.*—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board shall be *two years* commencing from the date of his nomination :

Provided that such member shall, notwithstanding the expiry of the said period of *two years* continue to hold office until his successor is nominated.

(2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the Government.

5. *Travelling allowance.*—A non-official member of the Committee, an Advisory Committee or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under M.S.R.

6. *Staff.*—(1) The Government may appoint a Secretary to the Committee, an Advisory Committee or the Board, and such other staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee or the Board, as the case may be. He may attend the meetings of such Committee, Advisory Committee or Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, the Advisory Committee or the Board, as the case may be.

7. *Eligibility for renomination of the members of the Committee, Advisory Committee and the Board.*—An out-going member shall be eligible for renomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

8. *Resignation of the Chairman and Members of the Commitee, Advisory Committee and the Board and filling of casual vacancies.*—(1) A member of the Committee, Advisory Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by letter addressed to the Government.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, Advisory Committee

or the Board, the chairman shall submit a report to the Government immediately. The Government shall then take steps to fill up vacancy.

9. *Cessation and restoration of membership.*—(1) If a member of the Committee, Advisory Committee or the Board fails to attend three consecutive meetings, he shall subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. *Disqualification.*—(1) A person shall be disqualified for being *nominated* as, and for being a member of the Committee, Advisory Committee or the Board, as the case may be,—

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1), the decision of the Government thereon shall be final.

11. *Meetings.*—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, Advisory Committee or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one-half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

12. *Notice of meetings.*—The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least *fifteen days* before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of *seven days* only may be given to every member.

13. *Chairman.*—(1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves by a majority of votes, a member, who shall preside at such meeting.

14. *Quorum.*—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. *Disposal of business.*—All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. *In the event of an equality of votes the Chairman shall have a casting vote*:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than a two-thirds majority of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be

by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present therat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The Proceedings of each meeting shall be confirmed with such modifications, if any as may considered necessary at the next meeting.

CHAPTER III.

SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS.

18. *Summoning of witnesses and production of documents.*—(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered Association of workers.

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered Association of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or Association, as the case may be.

(4) The provision of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

19. *Expenses of witnesses.*—Every person who is summoned and appears as a witness before the Committee the Advisory Committee or the the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV.

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS.

20. *Mode of computation of the cash value of wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. The computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed *shall not exceed one month* and the wages of a worker in such employment shall be paid

(*a*) in the case of establishments in which less than one thousand persons are employed, before the expiry of the seventh day, and

(*b*) in the case of other establishments befor the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fine;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the Government, may by general or special order authorise.

Explanation.—The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment;

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

(vii) dedcotions of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in a register maintained in Form I, II and III, as the case may be. *A return in Form III shall be submitted* annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1948.

22. *Publicity to the minimum wage fixed under the Act.*—Notices containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

23. *Weekly Holidays.*—(1) Unless otherwise permitted by Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the five days immediately before or after the said day *for which he shall receive payment equal to his average daily wages during the preceding week*:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at midnight on Saturday night.

24. Number of hours of work which shall constitute a normal working day:—

(1) The number of hours which shall constitute a normal working day shall be—

(*a*) in the case of an adult, nine hours;

(*b*) in the case of a child, four and a half hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(4) The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

25. *Extra wages for overtime.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages,

(*a*) in the case of employment in agriculture, at one and a half time the ordinary rate of wages,

(*b*) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression "ordinary rate of wages" means the basic wage *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of

food-grains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

26. *Form of registers and records.*—(1) A register of wages shall be maintained by every employer and kept in such form as may be notified by Government and shall include the following particulars :—

(*a*) The minimum rates of wages payable to each person employed;

(*b*) The number of days for which each employed person worked overtime for each wage period;

(*c*) The gross wages of each person employed for each wage period;

(*d*) All deductions made from wages with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of Rule 21;

(*e*) The wages actually paid to each person employed for each wage period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form V.

CHAPTER V.

CLAIMS UNDER THE ACT.

27. *Application.*—An application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VI and VII, as the case may be.

28. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

29. *Appearance of parties.*—(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application *ex-parte.*

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI.

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT.

30. *Costs.*—(1) The authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(*i*) expenses incurred on account of court-fees;

(*ii*) expenses incurred on subsistence money to witnesses, and

(*iii*) pleader's fees to the extent of ten rupees provided that the authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

12. *Notice of meetings.*—The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least *fifteen days* before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of *seven days* only may be given to every member.

13. *Chairman.*—(1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves by a majority of votes, a member, who shall preside at such meeting.

14. *Quorum.*—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. *Disposal of business.*—All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. *In the event of an equality of votes the Chairman shall have a casting vote*:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than a two-thirds majority of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be

by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present therat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The Proceedings of each meeting shall be confirmed with such modifications, if any as may considered necessary at the next meeting.

CHAPTER III.

SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS.

18. *Summoning of witnesses and production of documents.*—(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered Association of workers.

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered Association of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or Association, as the case may be.

(4) The provision of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

19. *Expenses of witnesses.*—Every person who is summoned and appears as a witness before the Committee the Advisory Committee or the the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV.

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS.

20. *Mode of computation of the cash value of wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. The computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed *shall not exceed one month* and the wages of a worker in such employment shall be paid

(*a*) in the case of establishments in which less than one thousand persons are employed before the expiry of the seventh day, and

(*b*) in the case of other establishments befor the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fine;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the Government, may by general or special order authorise.

Explanation.—The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment;

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

(vii) dedcotions of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in a register maintained in Form I, II and III, as the case may be. *A return in Form III shall be submitted* annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1948.

22. *Publicity to the minimum wage fixed under the Act.*—Notices containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

23. *Weekly Holidays.*—(1) Unless otherwise permitted by Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the five days immediately before or after the said day *for which he shall receive payment equal to his average daily wages during the preceding week*:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at midnight on Saturday night.

24. Number of hours of work which shall constitute a normal working day:—

(1) The number of hours which shall constitute a normal working day shall be—

(*a*) in the case of an adult, nine hours;

(*b*) in the case of a child, four and a half hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(4) The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

25. *Extra wages for overtime.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages,

(*a*) in the case of employment in agriculture, at one and a half time the ordinary rate of wages,

(*b*) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression "ordinary rate of wages" means the basic wage *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of

food-grains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

26. *Form of registers and records.*—(1) A register of wages shall be maintained by every employer and kept in such form as may be notified by Government and shall include the following particulars :—

(*a*) The minimum rates of wages payable to each person employed ;

(*b*) The number of days for which each employed person worked overtime for each wage period ;

(*c*) The gross wages of each person employed for each wage period ;

(*d*) All deductions made from wages with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of Rule 21 ;

(*e*) The wages actually paid to each person employed for each wage period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form V.

CHAPTER V.

CLAIMS UNDER THE ACT.

27. *Application.*—An application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VI and VII, as the case may be.

28. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

29. *Appearance of parties.*—(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application *ex-parte.*

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI.

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT.

30. *Costs.*—(1) The authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(*i*) expenses incurred on account of court-fees;

(*ii*) expenses incurred on subsistence money to witnesses, and

(*iii*) pleader's fees to the extent of ten rupees provided that the authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleaders or more than one applicants or opponents, the authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

31. *Court fees.*—The Court fee payable in respect of proceedings under section 20 shall be—

(*i*) for every application to summon a witness—one rupee in respect of each witness;

(*ii*) for every application made by or on behalf of an individual—one rupee:

Provided that the authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees;

Provided further that no fee shall be chargeable—

(*a*) from persons employed in agriculture; or

(*b*) in respect of an application made by an Inspector.

FORM I

REGISTER OF FINES.

Rule 21 (4)

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Nature and date of the offence for which fine imposed	Whether workman showed cause against fine or not. If so, enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM II

Rule 21 (4).

Register of deductions for damage or loss caused to the employer by the neglect or default of the employed persons.

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Damage or loss caused with date	Whether worker showed cause against deduction. If so, enter date	Date and amount of deduction imposed	Numbers of instalments, if any	Date on which total amount realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM III

Rule 21 (4)

Deduction from wages.

Return for the year ending the 31st December.....

1. Name of the employer and postal address.....

2. Total number of persons employed { Adults..... / Children .....

3. Total wages paid.....

4. Number of cases and amounts realised as :—

	No. of cases	Amount
(*a*) Fines.....		
(*b*) Deductions for damage or loss.....		
(*c*) Deductions for breach contract.....		

5. Disbursement from Fine Fund :—

Amount	Purpose
Rs.	

Signature.....

Dated..... .....195 . Designation.....

FORM IV.

Rule 25 (2)

Overtime Register for workers

Month ending.....195

Sl. No. 1	Name 2	Father's/Husband's Name 3	Sex 4	Designation and Department 5	Dates on which overtime worked 6	Extent of overtime on each occasion 7	Total overtime worked or production case of piece-workers. 8	Normal hours. 9	Normal rate 10	Overtime rate 11	Normal earnings 12	Overtime earnings 13	Total earnings 14	Date on which overtime payments made 15

FORM V

Rule 26 (5)

Muster Roll.

Name of Establishment..... Place.....

Sl. No.	Name	Father's/ husband's name	Sex	Nature of work	For the period ending...								Remarks.
					1	2	3	4	5				

FORM VI

[Form of Application by an Employee under Section 20 (2).]

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for.....Area.

Application No. of 19 .

(1).....
(2)..... } Applicant (s)
(3).....

(through.....a Legal Practitioner
.....official of .....Association which
is registered Association.

Address.....

Versus.

(1).....
(2)..... Opponents.
(3).....

Address.....

The applicant (s) abovenamed beg (s) respectfully to submit as follows :—

(1) that.....

(2) that.....

The applicant (s) has (have) been paid wages at less than the minimum rate of wages.

The applicant (s) estimate (s) the value of the relief sought by him (them) at the sum of Rs.....

The applicant (s) pray (s) that a direction may be issued under sub-section (3) of Section 20 for :—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(*b*) Compensation amounting to Rs.....

The applicant (s) beg (s) leave to amend or add to or make alterations in the application if any and when necessary.

Date.....

Signature or thumb impression of the employee (s), legal practitioner or official of a registered Association duly authorised.

The applicant (s) do (es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed at.....*on.....day of.....19 .

Signature or thumb impression of the employee (s) or legal practitioner or official of a registered Association duly authorised.

FORM VII.

[Form of Application by an Inspector or person acting with the permission of the authority under Section 20 (2)].

In the Court of the authority appointed under the Minimum Wages Act, 1948, for.....area.

Application No. of 19 .

(1) .....Applicant.

Address.....

Versus

(1).....Opponent.

Address.....

The applicant above-named begs respectfully to submit as follows :—

(1) that

(2) that

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees :—

(1)..... .....

(2).....

(3).....

The applicant estimates the value of the relief sought for the employees at the sum of Rs.....

The applicant prays that a direction may be issued under sub-section (3) of section 20 for :—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(*b*) Compensation amounting to Rs.....

The applicant begs leave to amend or add to or make alterations in the application if and when necessary.

Date.....

Signature.....

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and in formation. This verification is signed at.....on.....day.....19 .

*When the application is by a group of employees, the thumb impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VIII.

(Form of Authority in favour of a Legal Practitioner or any Official of A Registered Association referred to in Section 20 (2)).

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for Area.

Application No. of 19 .

(1).....
(2)..... Applicant (s)
(3).....

Versus

(1).....
(2)..... Opponent (s)
(3).....

I hereby authorise Mr....., a legal practitioner an official of the registered Association of.....to appear and act on my behalf in the above described proceeding and to do all things incidental to such appearing and acting.

Date.....

Signature or thumb impression of the employee.

FORM IX

(Form of Summons to the opponent to appeal before the authority when an application under sub-section (2) of section 20 or under section 21 is entertained).

(Title of the application).

To.....

(Name, description and place of residence).

WHEREAS..... has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the..... ...day of.....19 . ....., at... .....o'clock in the noon, to answer the claim ; and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day beforementioned, the application will be heard and determined in your absence.

Date.....

Signature of the Authority.

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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